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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**In re:**

**PG&E CORPORATION,**

**- and -**

**PACIFIC GAS AND ELECTRIC  
COMPANY,**

**Debtors.**

- ☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and Electric Company  
☒ Affects both Debtors

*\* All papers shall be filed in the Lead Case, No.  
19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**REORGANIZED DEBTORS' ONE  
HUNDRED FIRST OMNIBUS OBJECTION  
TO CLAIMS (DUPLICATIVE AND  
INCORRECT DEBTOR CLAIMS)**

**Response Deadline:**

**September 15, 2020, 4:00 p.m. (PT)**

**Hearing Information If Timely Response Made:**

Date: September 29, 2021

Time: 10:00 a.m. (Pacific Time)

Place: (Tele/Videoconference Appearances Only)

United States Bankruptcy Court

Courtroom 17, 16th Floor

San Francisco, CA 94102

1 **TO: (A) THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY**  
2 **JUDGE; (B) THE OFFICE OF THE UNITED STATES TRUSTEE; (C) THE AFFECTED**  
3 **CLAIMANTS; AND (D) OTHER PARTIES ENTITLED TO NOTICE:**

4 PG&E Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric Company (the “**Utility**”), as  
5 debtors and reorganized debtors (collectively, “**PG&E**” or the “**Debtors**” or as reorganized pursuant to  
6 the Plan (as defined below), the “**Reorganized Debtors**”) in the above-captioned chapter 11 cases (the  
7 “**Chapter 11 Cases**”) hereby submit this one hundred first omnibus objection (the “**Objection**”) to the  
8 Proofs of Claim (as defined below) identified in the column headed “Claims To Be Disallowed and  
9 Expunged” on **Exhibit 1** annexed hereto.

10 **I. JURISDICTION**

11 This Court has jurisdiction over this Objection under 28 U.S.C. §§ 157 and 1334; the *Order*  
12 *Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges*, General Order 24 (N.D. Cal.); and  
13 Rule 5011-1(a) of the Bankruptcy Local Rules for the United States District Court for the Northern  
14 District of California (the “**Bankruptcy Local Rules**”). This matter is a core proceeding pursuant to 28  
15 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The  
16 statutory predicates for the relief requested are section 502 of title 11 of the United States Code (the  
17 “**Bankruptcy Code**”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (collectively, the  
18 “**Bankruptcy Rules**”).

19 **II. BACKGROUND**

20 On January 29, 2019 (the “**Petition Date**”), the Debtors commenced with the Court voluntary  
21 cases under chapter 11 of the Bankruptcy Code. Prior to the Effective Date (as defined below), the  
22 Debtors continued to operate their businesses and manage their properties as debtors in possession  
23 pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner was appointed  
24 in either of the Chapter 11 Cases. The Chapter 11 Cases are being jointly administered for procedural  
25 purposes only pursuant to Bankruptcy Rule 1015(b).

26 Additional information regarding the circumstances leading to the commencement of the Chapter  
27 11 Cases and information regarding the Debtors’ businesses and capital structure is set forth in the  
28 *Amended Declaration of Jason P. Wells in Support of the First Day Motions and Related Relief* [Docket  
No. 263].

1 On July 1, 2019, the Court entered the *Order Pursuant to 11 U.S.C. §§ 502(b)(9) and 105(a),*  
2 *Fed. R. Bankr. P. 2002, 3003(c)(3), 5005, and 9007, and L.B.R. 3003-1 (I) Establishing Deadline for*  
3 *Filing Proofs of Claim, (II) Establishing the Form and Manner of Notice Thereof, and (III) Approving*  
4 *Procedures for Providing Notice of Bar Date and Other Information to All Creditors and Potential*  
5 *Creditors* [Docket No. 2806] (the “**Bar Date Order**”). The Bar Date Order set the deadline to file all  
6 proofs of claim (each, a “**Proof of Claim**”) in respect of any prepetition claim (as defined in section  
7 101(5) of the Bankruptcy Code), including all claims of Fire Claimants (as defined therein), Wildfire  
8 Subrogation Claimants (as defined therein), Governmental Units (as defined in section 101(27) of the  
9 Bankruptcy Code), and Customers, and for the avoidance of doubt, including all secured claims and  
10 priority claims, against either of the Debtors as October 21, 2019, at 5:00 p.m. Pacific Time (the “**Bar**  
11 **Date**”). The Bar Date later was extended solely with respect to unfiled, non-governmental Fire  
12 Claimants to December 31, 2019 [Docket No. 4672]<sup>1</sup>; and subsequently with respect to certain claimants  
13 that purchased or acquired the Debtors’ publicly held debt and equity securities and may have claims  
14 against the Debtors for rescission or damages to April 16, 2020 [Docket No. 5943].

15 By Order dated June 20, 2020 [Dkt. No. 8053], the Bankruptcy Court confirmed the *Debtors’*  
16 *and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization Dated June 19, 2020* (as may be  
17 further modified, amended or supplemented from time to time, and together with any exhibits or  
18 scheduled thereto, the “**Plan**”). The Effective Date of the Plan occurred on July 1, 2020 (the “**Effective**  
19 **Date**”). See Dkt. No. 8252.

### 20 **III. RELIEF REQUESTED**

21 The Reorganized Debtors file this Objection, pursuant to section 502 of the Bankruptcy Code,  
22 Bankruptcy Rule 3007, Bankruptcy Local Rule 3007-1, and the *Order Approving (A) Procedures for*  
23 *Filing Omnibus Objections to Claims and (B) the Form and Manner of the Notice of Omnibus*  
24 *Objections*, dated June 30, 2020 [Docket No. 8228] (the “**Omnibus Objections Procedures Order**”),  
25 seeking entry of an order disallowing (i) Proofs of Claim that duplicate others already submitted in these  
26 Chapter 11 Cases (the “**Duplicative Claims**”) and (ii) Proofs of Claim that duplicate others already

27 <sup>1</sup> The claims of Fire Claimants will be administered through the Fire Victim Trust and the claims of  
28 Wildfire Subrogation Claimants through the Subrogation Wildfire Trust in accordance with the Plan.

1 submitted in these Chapter 11 Cases and, based upon a review of the Reorganized Debtors' books and  
2 records, have been asserted against a Debtor that is not liable for such claims (the "**Incorrect Debtor**  
3 **Claims**"). The Duplicative Claims, the Incorrect Debtor Claims, and the Proofs of Claim of which they  
4 amend or are duplicates of (the "**Surviving Claims**") are all identified in **Exhibit 1** in the columns  
5 headed "Claims To Be Disallowed and Expunged" and "Surviving Claims" respectively. The Omnibus  
6 Objection does not affect any of the Surviving Claims. There is a single Surviving Claim for each  
7 underlying claim asserted against the Debtors by a Duplicative Claim or Incorrect Debtor Claim that is  
8 the subject of the Omnibus Objection.<sup>2</sup>

9       The Duplicative Claims are so classified because the later-filed identical claim does not express  
10 an intention to amend the earlier filed claim. The Duplicative Claims listed on **Exhibit 1** are categorized  
11 as "partially identical," *i.e.*, the Claims are against the same Debtor but the asserted amount of one Claim  
12 is subsumed within the larger unliquidated claim. The Surviving Claims, which may have been filed  
13 earlier or later than the other identical claim(s), have been designated as such for the administrative  
14 convenience of the Reorganized Debtors.<sup>3</sup> The Reorganized Debtors request that the Duplicative Claims  
15 be disallowed and expunged.

16       The Incorrect Debtor Claims are so classified because each Incorrect Debtor Claim was filed in  
17 the Chapter 11 Case of the wrong Debtor and that the liability for such claims, if any, should be properly  
18 asserted against a different Debtor. There are two types of Incorrect Debtor Claims listed on **Exhibit 1**:  
19 (1) identical (the Claims are against different Debtors but were filed on account of the same obligation  
20 for the same amount and priority) and (2) partially identical (the Claims are against different Debtors but  
21 the asserted amount of one Claim is subsumed within a larger claim). The Reorganized Debtors request  
22 that the Incorrect Debtor Claims be disallowed and expunged.

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24 <sup>2</sup> In some instances, the same Surviving Claim appears in multiple entries in the "Surviving Claims"  
25 column on **Exhibit 1**. The multiple entries mean that there were multiple Duplicative Claims or  
26 Incorrect Debtor Claims filed with respect to the same underlying obligation, and the identified  
Surviving Claim listed in multiple entries is the sole remaining Proof of Claim for all of the  
corresponding Claims listed in the "Claims To Be Disallowed and Expunged" column.

27 <sup>3</sup> The Reorganized Debtors are objecting to the Surviving Claim of Lorraine Gonsalves (No. 81398) in  
28 the *Reorganized Debtors' One Hundred Third Omnibus Objection to Claims (ADR No Liability*  
*Claims)* filed concurrently herewith.

1 **IV. ARGUMENT**

2 **A. The Duplicative Claims and Incorrect Debtor Claims Should be**  
3 **Disallowed and Expunged**

4 Bankruptcy Rules 3007(d) and (e) and the Omnibus Objections Procedures Order govern  
5 omnibus objections to claims in these Chapter 11 Cases. Pursuant to Bankruptcy Rule 3007(d)(1),  
6 objections to more than one claim may be joined if the objections are based solely on the grounds that  
7 the claims should be disallowed, in whole or in part, because they have been amended. Bankruptcy Rule  
8 3007(e) requires that an omnibus objection must list the claimants alphabetically and by cross-reference  
9 to claim numbers. Each of the Duplicative Claims and Incorrect Debtor Claims identified on **Exhibit 1**  
10 hereto amends another claim, duplicates another claim, or asserts a claim against a Debtor that is not  
11 liable for such claim, which the Reorganized Debtors have referenced. Each of the Claimants is listed  
12 alphabetically, and the claim number and amount are identified in accordance with Bankruptcy Rule  
13 3007(e). Furthermore, in accordance with the Omnibus Objections Procedures Order, the Reorganized  
14 Debtors have sent individualized notices to the holders of each of the Duplicative Claims and Incorrect  
15 Debtor Claims.

16 To avoid multiple recoveries by the same Claimant on the same asserted obligation, the  
17 Reorganized Debtors request that the Court disallow the Duplicative Claims and Incorrect Debtor Claims  
18 in their entirety. For the avoidance of doubt, the Surviving Claims are not affected by this Objection.  
19 The Surviving Claims will remain on the claims register, subject to pending and further objections.

20 **a. Duplicative Claims**

21 The Reorganized Debtors and their professionals have reviewed the Duplicative Claims, all  
22 documents furnished by the Claimants with respect to the Duplicative Claims, and the Reorganized  
23 Debtors' books and records, and have determined that each Duplicative Claim is duplicative of the  
24 applicable Surviving Claim because all or part of the Duplicative Claim is identical or partially identical  
25 to another Proof of Claim filed by the same Claimant in the same Chapter 11 Case.

26 **b. Incorrect Debtor Claims**

27 The Reorganized Debtors and their professionals have reviewed the Incorrect Debtor Claims, all  
28 documents furnished by the Claimants with respect to the Incorrect Debtor Claims, and the Reorganized

1 Debtors' books and records, and have determined that each Incorrect Debtor Claim asserts a claim  
2 against a Debtor that is not liable for such amounts and that the liability for such claims, if any, reside  
3 with a different Debtor. Each such Incorrect Debtor Claim is duplicative of the applicable Surviving  
4 Claim because the Incorrect Debtor Claim is identical or partially identical to a Proof of Claim filed in  
5 the other Debtor's Chapter 11 Case. In addition, the Reorganized Debtors are not aware of any valid  
6 and independent basis (*e.g.*, the existence of a guaranty) for asserting any of the Incorrect Debtor Claims  
7 against both Debtors.

8 **B. The Claimants Bear the Burden of Proof**

9 A filed proof of claim is "deemed allowed, unless a party in interest . . . objects." 11 U.S.C.  
10 § 502(a).<sup>4</sup> Section 502(b)(1) of the Bankruptcy Code, however, provides in relevant part that a claim  
11 may not be allowed if "such claim is unenforceable against the debtor and property of the debtor, under  
12 any agreement or applicable law." 11 U.S.C. § 502(b)(1). Once the objector raises "facts tending to  
13 defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves,"  
14 *Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991), quoting 3 L. King, *Collier on*  
15 *Bankruptcy* § 502.02 at 502-22 (15th ed. 1991), then "the burden reverts to the claimant to prove the  
16 validity of the claim by a preponderance of the evidence," *Ashford v. Consolidated Pioneer Mortgage*  
17 *(In re Consolidated Pioneer Mortgage)*, 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995) (quoting *In re*  
18 *Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)), *aff'd without opinion* 91 F.3d 151 (9th Cir.  
19 1996). "[T]he ultimate burden of persuasion is always on the claimant." *Holm*, 931 F.2d at 623 (quoting  
20 King, *Collier on Bankruptcy*); *see also Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039  
21 (9th Cir. 2000); *Spencer v. Pugh (In re Pugh)*, 157 B.R. 898, 901 (B.A.P. 9th Cir. 1993); *In re Fidelity*  
22 *Holding Co.*, 837 F.2d 696, 698 (5th Cir. 1988).

23 As set forth above, the Reorganized Debtors submit that the Duplicative Claims and Incorrect

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24 <sup>4</sup> Upon the Reorganized Debtors' request, the deadline under Section 7.1 of the Plan for the  
25 Reorganized Debtors to bring objections to Claims initially was extended through and including June  
26 26, 2021 (except for Claims of the United States, which deadline was extended to March 31, 2021)  
27 [Docket No. 9563]. That deadline has been further extended through December 23, 2021, except for  
28 Claims of the California Department of Forestry and Fire Protection, which deadline was extended to  
September 30, 2021, without prejudice to the right of the Reorganized Debtors to seek further  
extensions thereof [Docket No. 10494]. The deadline with respect to Claims of the United States have  
twice been further extended by stipulation and order [Docket Nos. 10459, 10463, 10983, and 10986].

1 Debtor Claims are duplicates and should be disallowed. If any Claimant believes that a Duplicative  
2 Claim or Incorrect Debtor Claim is valid and non-duplicative, it must present affirmative evidence  
3 demonstrating the validity of that claim.

#### 4 **V. RESERVATION OF RIGHTS**

5 The Reorganized Debtors hereby reserve the right to object, as applicable, in the future to any of  
6 the Proofs of Claim listed in this Objection (including the Duplicative Claims, Incorrect Debtor Claims,  
7 and the Surviving Claims) on any ground, and to amend, modify, or supplement this Objection to the  
8 extent an objection to a claim is not granted, and to file other objections to any proofs of claims filed in  
9 these cases, including, without limitation, objections as to the amounts asserted therein, or any other  
10 claims (filed or not) against the Debtors, regardless of whether such claims are subject to this Objection.  
11 A separate notice and hearing will be scheduled for any such objections. Should the grounds of objection  
12 specified herein be overruled or withdrawn, wholly or in part, the Reorganized Debtors reserve the right  
13 to object to the Duplicative Claims and Incorrect Debtor Claims on any other grounds that the  
14 Reorganized Debtors may discover or deem appropriate.

#### 15 **VI. NOTICE**

16 Notice of this Objection will be provided to (i) holders of the Duplicative Claims and Incorrect  
17 Debtor Claims; (ii) the Office of the U.S. Trustee for Region 17 (Attn: Andrew R. Vara, Esq. and  
18 Timothy Laffredi, Esq.); (iii) counsel to the Creditors Committee; (iv) counsel to Tort Claimants  
19 Committee; (v) all counsel and parties receiving electronic notice through the Court's electronic case  
20 filing system; and (vi) those persons who have formally appeared in these Chapter 11 Cases and  
21 requested service pursuant to Bankruptcy Rule 2002. The Reorganized Debtors respectfully submit that  
22 no further notice is required. No previous request for the relief sought herein has been made by the  
23 Reorganized Debtors to this or any other Court.

24 WHEREFORE the Reorganized Debtors respectfully request entry of an order granting (i) the  
25 relief requested herein as a sound exercise of the Reorganized Debtors' business judgment and in the  
26 best interests of their estates, creditors, shareholders, and all other parties interests, and (ii) such other  
27 and further relief as the Court may deem just and appropriate.  
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Dated: August 19, 2021

**KELLER BENVENUTTI KIM LLP**

By: /s/ Thomas B. Rupp  
Thomas B. Rupp

*Attorneys for Debtors and Reorganized Debtors*